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MONTANA LEGISLATIVE COUNCIL
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THE TWELVE ORDERS OF BUSINESS

MONTANA LEGISLATURE

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THE TWELVE ORDERS OF BUSINESS

CALL TO ORDER -- Speaker of the House
President of the Senate

PRAYER BY THE CHAPLAIN

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

REPORT ON JOURNAL -- Refer to Attachment No. 1

NOTE: Legislators should review the journal as soon as it is placed on the desk -- check voting records of previous day's business, standing committee reports, motions, referral of bills to standing committees, roll call votes, etc. The daily journal is entered through "ALTER" in the Legislative Council office and stored in computer; the text of the journal will be periodically transferred to a tape and sent for photocomposition during the session. Without retyping, the daily journal text becomes printed text in the final journal. This final journal contains several indices to assist you in locating and researching bills, voting records, amendments, etc.

HOUSE JOURNAL
of the
Forty-sixth Legislature

OFFICE OF THE CHIEF CLERK OF THE HOUSE

SIXTEENTH LEGISLATIVE DAY

Helena, Montana — House Chambers
January 10, 1979 — Capitol Building

House convened at 1:00 p.m., Mr. Speaker in the Chair. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Simpson, excused. Quorum present.

Mr. Speaker: We, your Committee on Legislative Administration/Bills and Journal, having examined the daily journal for the Sixteenth Legislative Day, find the same to be correct.

JOHNS, Vice-Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Downs, Chairman):
Correctly printed - HB 120, HB 130, HB 132, HB 139, HB 144, HB 145, HJR 10.
Considered correctly engrossed - HB 10, HB 44, HB 41, HB 90.

JUDICIARY (Kelly, Chairman):
HB 4, introduced bill, be amended as follows:

1. title, line 8.
Following: "1947"
Strike: "; and providing effective dates"

2. Page 3, line 3.
Following: "eleventh,"
Strike: "and"

And as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Bills passed by the Senate and transmitted to the House for concurrence:

Senate Bill No. 2, introduced by Thois.

Senate Bill No. 35, introduced by Johns.

Senate Bill No. 54, introduced by Geant.

MOTIONS

Brooks moved that HB 71 be rereferred from Second Reading to the Committee on Business and Industry. Motion carried.

Melto moved that the Journal be rereferred from the Committee on State Administration to the Committee on Fish and Game. Motion carried.

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time and referred to committees:

HB 289, introduced by Scoe. Referred to Committee on Judiciary.

HB 280, introduced by Scoe, Roe, Kimp. Referred to Committee on Judiciary.

HE 284, introduced by Holveson, Scoe, Harrer, Homes, Dennis. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Scoe moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading under the rules of the previous sitting. Motion carried.

Shook in the Chair, Committee arose. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That HB 59 be amended as follows:

1. the tile, line 5.
Following: "interns"
Strike: "shall"
Insert: "may"

And as amended, do pass. (72-15)

MESSAGES FROM THE OTHER HOUSE

Honorable Peter J. Doel
Speaker of the House
House of Representatives
State Capitol
Helena, Montana 59601

January 10, 1979

Dear Mr. Speaker:

The Senate Committee on Committees has appointed a Senate Select Committee on Employee Compensation to meet with a like committee from the House to study and better uncerstand the question of wage increases for state employees.

The members of the committee are:

Senator Lance Fass
Senator Joseph Hamper

The Senate Committee on Committees has appointed a Senate Select Committee on Employee Compensation to meet with a like committee from the House to study and better understand the question of wage increases for state employees.

The members of the committee are:

Senator Lance Fass
Senator Joseph Hamper

Very truly yours,

W. C. Senate
President of the Senate

Motion carried.

House adjourned at 3:10 p.m.

JOHN B. DOEL, Speaker

MARY B. EZEN, Chief Clerk

ORDER OF BUSINESS NO. 1 -- Communications and Petitions

NOTE: Various Types of communications may be read to the legislative body.

ACCEPTABLE MOTIONS: *None*

ORDER OF BUSINESS NO. 2 -- Reports of Standing Committees -- Refer to Attachment No. 2

NOTE: These reports are read from the rostrum; however, legislators do not receive an actual copy (in the original house) but amendments are printed in full in the daily journal. If the vote is favorable, the bill and the amendment are sent to the Legislative Council to have an updated version of the bill prepared and printed, including the amendment.

ACCEPTABLE MOTIONS: *In general no motions are acceptable under this order of business. Some privileged motions, such as the motions to adjourn or call of the house, and some incidental motions, such as the motion for a roll call vote, are acceptable but by established practice are not generally made.*

On Order of Business No. 2, no debate shall be had on any report unless a minority committee report has been submitted (S4-1). Any member seeking to challenge the action on the adoption of a favorable or an adverse committee report may do so on Order of Business No. 6 by a motion to reconsider (see Attachment No. 6A, Incidental Main Motions, No. (20)) and need not have voted on the prevailing side.

STANDING COMMITTEE REPORT

ATTACHMENT NO. 2

January 4 19 79
Journal

MR. Speaker

We, your committee on State Administration

having had under consideration House Bill No. 200

Respectfully report as follows: That House Bill No. 200

be amended as follows:

1. Page 1, line 22.
Following: "trespass"
Strike: "the"
Insert: "any part"

2. Page 2, line 23.
Following: "public"
Strike: "the agency"

And as amended,

DO PASS

John Doe
Chairman.

ORDER OF BUSINESS NO. 3 -- Reports of Select Committees -- Refer to Attachment No. 3

NOTE: Joint Rule 7-8 explains the difference between a conference committee and free conference committee. "Accede" means that one house will accept the amendment of the house proposing a particular amendment; "recede" means that the house proposing a particular amendment will withdraw the amendment in order for a compromise on the bill.

ACCEPTABLE MOTIONS: *No precedented motions; any motions relating to business under this order of business are considered under Order of Business No. 6.*

ATTACHMENT NO. 3A

March 19, 1979

(FREE) JOINT CONFERENCE COMMITTEE REPORT ON

SENATE BILL NO. 43

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Joint Conference Committee on Senate Bill No. 43, met March 18, 1979, and considered:

1. Senate Committee on Judiciary Amendments dated March 5, 1979, and

2. Senate Committee of the Whole Amendments dated March 9, 1979.

We recommend that:

1. the Senate recede from Committee amendment numbers 1 through 3 and the House accede to Committee amendment numbers 4, 6, 7, and 8:

2. the Senate recede from Committee of the Whole amendment number 1 and the House accede to Committee of the Whole amendment numbers 2 and 3.

3. Senate Bill No. 43, reference (engrossed) copy be amended as follows:

1. Page 5, lines 4 through 17.
Strike: section 6 in its entirety
Insert: "Section 6. ....": and

4. Senate Bill No. 43, as amended, be concurred in.

FOR THE HOUSE:

_____
(Chairman's Name)

_____
(Name)

_____
(Name)

FOR THE SENATE:

_____
(Chairman's Name)

_____
(Name)

_____
(Name)

ORDER OF BUSINESS NO. 4 -- Messages from the Governor -- Refer to Attachment No. 4

NOTE: This material will appear in full text in the daily journal.

ACCEPTABLE MOTIONS: *No precedented motions; any motions relating to business under this order of business are considered under Order of Business No. 6.*

(Excerpt from the daily journal)

MESSAGES FROM THE GOVERNOR

January 4, 1977

Honorable Gordon McOmber
President of the Senate
45th Legislative Session
State Capitol

Honorable John Driscoll
Speaker of the House
45th Legislative Assembly
State Capitol

Gentlemen:

I respectfully request a Joint Session of the Senate and House of Representatives to be held at 2:00 p.m., January 5, 1977 in the House Chambers.

It is my desire to present to the members of the Montana Legislature my State of the State Message for 1977 at that time.

Sincerely,

THOMAS L. JUDGE
Governor

ORDER OF BUSINESS NO. 5 -- Messages from the Other House -- Refer to Attachment No. 5

NOTE: These messages may request that a bill be returned, advise that certain bills are being transmitted for concurrence, etc.

ACCEPTABLE MOTIONS: *No precedented motions; any motions relating to business under this order of business are considered under Order of Business No. 6.*

(Excerpt from the daily journal)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

BILLS PASSED BY THE HOUSE AND TRANSMITTED TO THE SENATE FOR CONCURRENCE:

HB 37, introduced by Jones
HB 48, introduced by Sloan

ORDER OF BUSINESS NO. 6 -- Motions -- Refer to Attachment No. 6A and 6B

NOTE: Motions have been listed in four categories: privileged, incidental, subsidiary and main motions.

Although any motion is in order under this item of business (see Attachment 6B), there are only a few motions which have been used as an established practice. These are motions which arise out of the work of the body and are questions of a general procedural nature and temporary in their purpose; they do not determine final action. There are, however, motions which fall into this order of business as main motions and are of a substantive nature relating to the final disposition of a bill or resolution; such as a motion to indefinitely postpone, appoint, concur, or reconsider. These substantive motions have, as an established practice, been acceptable under this item of business.

Chapter 5 of the Joint Rules and selected sections of Mason's Manual of Legislative Procedure (listed in Attachment No. 6A) will also provide information on motions.

The following is a list, in order of precedence, of motions which have as an established practice, been used under Order of Business No. 6.

(All motions are listed and explained on the "Table of Motions," Attachment No. 6B. The numbers below correspond with the motions on that table for further reference.

Incidental Motions

No. (8) Roll call vote (relating to a motion under immediate consideration).

"Mr. President, I ask for a roll call vote."

This is treated like a motion but is not actually voted upon. It only requires seconding by one member; undebatable; unamendable.

No. (9) Division of a question (relating to a motion under immediate consideration).

"Mr. President, I move that the motion of Senator _____ be divided."

To be divisible, a question must include points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition; undebatable; unamendable; not subject to subsidiary motions. If motion for division prevails, the distinct propositions are voted on in the order in which they were originally stated, unless the motion for division states how the question is to be divided and considered.

Subsidiary Motions

No. (10) To lay on the table

"Mr. President, I move that the question (or motion, bill or resolution, etc.) be tabled."

This motion may be applied to any immediately pending main motion or privileged, incidental, or subsidiary motions not relating to procedure; undebatable; unamendable; not subject to other subsidiary motions. If a motion to reconsider is laid on the table it requires a two-thirds vote to remove from table.

No. (12) Postpone to a day certain (relating to an immediately pending question)

"Mr. President, I move that the consideration (or further consideration) of (describing the question

pending) be postponed until (stating the time)."

The motion should either specify the hour or order of business to which the question is to be postponed on a certain day. On the motion to postpone to a definite time, the question of postponement is open to debate, but the main question is not. May be applied only to pending main motions or a question of privilege being a main question. It is subject to amendment only as to the time.

(See also Mason's Manual of Legislative Procedure, Section 178(E), 365, 367, 368(1) and (2), 369, and 370(C).)

No. (14) a. Refer (relating to a motion immediately pending)

"Mr. President, I move that the question (or motion, bill or resolution, etc.) be referred to the (committee or select committee or special committee) on (naming to committee)."

(See also Mason's Manual of Legislative Procedure, Section 386(1).)

b. Refer (relating to a question <u>not</u> pending)

"Mr. President, I move that (bill, resolution No. ___, etc.) be taken from (second reading, printing, engrossing, enrolling, committee on _____, etc.) and referred to the committee on (naming the committee)."

To refer is debatable or amendable only as to the propriety of reference to committee. (See also Mason's Manual of Legislative Procedure, Section 178(E), 386(1), and 388(1) and (2).)

No. (17) Amend (an amendable question or motion immediately pending)

a. To add (to place at end)

"Mr. President, I move to amend the motion by adding the words (giving specific language)."

b. To insert

"Mr. President, I move to amend the motion, following (indicate word or punctuation) by inserting the word(s) (giving specific language and punctuation)."

c. To strike out

"Mr. President, I move to amend the motion,

following the (word or punctuation) (indicate exact word(s) and/or punctuation) by striking the (word(s) and/or punctuation) (indicate exact word(s) and/or punctuation."

d. To strike out and insert

"Mr. President, I move to amend the motion, following the (word or punctuation) (indicate exactly) by striking the (word(s) and/or punctuation) (indicate exactly) and inserting in lieu thereof the (word(s) and/or punctuation) (indicate exactly)."

The motion to amend may be applied to any motion which may be stated in more than one form. Every original main motion may be amended, and all other motions may be amended, except those indicated in table. To amend an undebatable motion is undebatable (see table for unamendable and undebatable motions). An amendment is not acceptable if the subject of that amendment is different than that under consideration. No more than one amendment and no more than one substitute motion may be made to a motion (Joint Rule 5-10).

(See also Mason's Manual of Legislative Procedure, Sections 395, 396, and 400.)

No. (18) Indefinitely postpone (opens main question to debate)

"Mr. President, I move that consideration of the question (or motion, bill or resolution, etc.) be indefinitely postponed.)

This motion proposes to make a final disposition of a question. According to Joint Rule 5-2, "When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again...except upon a motion of reconsideration made pursuant to Rule 5-4". The motion to indefinitely postpone cannot be amended nor have any other subsidiary motion applied to it.

(See also Mason's Manual of Legislative Procedure, Sections 432, and 434.)

Main Motions

No. (19) a. To pass, adopt, concur

b. To reject passage, adoption, concurrence

"Mr. President, I move that Senate Bill (or Resolution) No. ___ (do pass or be adopted) (or do not pass or be not adopted)."

"Mr. President, I move that House Bill (or Joint

Resolution) No. ___ be concurred in (or be not concurred in)."

These motions would generally be made only after the motion to reconsider previous action on a bill prevailed. In most instances, this previous action would have been adverse. These motions are debatable.

c. Appoint

"Mr. President, I move that the President be authorized to appoint a joint conference committee of three to meet with a like committee from the House to confer on Senate (or House) amendments to House (or Senate) Bill (or Joint Resolution) No. ___."

"Mr. President, I move that the President be authorized to appoint a FREE joint conference committee of three to meet with a like committee from the House to confer on Senate (or House) Bill (or Joint Resolution) No. ___."

In the first example, the conference committee must confine itself to the amendments in question, whereas the second motion, if adopted, opens the entire bill to the conference committee. These motions are debatable. They are amendable only as to whether it might be a FREE or simple conference committee and the number of members to be appointed.

d. Dissolve and appoint

"Mr. President, I move that the (FREE or) Joint Conference Committee on...be dissolved and that the President be authorized to appoint a NEW (FREE or) Joint Conference Committee of three to meet with a like committee from the House to confer on...."

Incidental Main Motions

No. (20) Reconsider

"Mr. President, I move that the Senate reconsider its action of (date) taken on adoption of the (adverse) committee report on Senate (or House) Bill (or Joint Resolution) No. ___."

This motion is an exception to the general rule governing the motion to reconsider in that any member may make such motion and need not have voted on the prevailing side (S 4-1). The motion must, like all motions to reconsider, be made on the day the action was taken or on the next day the Senate is in session.

A motion to reconsider is debatable but unamendable. A measure may not be reconsidered unless it is in the possession of the body[1] and procedural motions are not subject to reconsideration. When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table (Joint Rule 5-5). If the motion to reconsider fails, the question is finally and conclusively settled.

(See also Mason's Manual of Legislative Procedure, Sections 454, and 456.)

The following are examples of the motion to reconsider:

> "Mr. President, having voted on the prevailing side, I move that the Senate reconsider its action taken on Senate (or House) Bill (or Joint Resolution, Conference Committee Report, etc.) on Third Reading this day (or date)."

If the motion to reconsider third reading action on a bill or resolution is carried, there shall be no further action on that bill or resolution until the succeeding legislative day (S 5-1).

> "Mr. President,having voted on the prevailing side, I move that the Senate reconsider its action taken on the adoption of the Committee of the Whole report this day (or date)."

This is the only motion that can be made to reconsider action of the Committee of the Whole after the adoption of the Committee of the Whole report which killed a bill or resolution. If this motion prevails, a motion to segregate would then be in order (see Order of Business No. 8).

No. (21) To take from table

> "Mr. President, I move that (state motion, bill, resolution or question) be taken from the table."

This motion is undebatable and unamendable requiring a majority vote. (To take the motion to reconsider from the table requires a two-thirds majority.) The motion to take from the table may not be laid on the table nor have any other subsidiary motion applied to it. When

---

[1]If a measure has gone to the other house a motion to recall constitutes notice to reconsider, and is acted on as a motion to reconsider (Joint Rule 5-4).

> "Mr. President, I move the Senate recall Senate (or House) Bill (or Joint Resolution) No. ___ from the House."

taken from the table, the question with everything adhering to it is before the house exactly as when it was laid on the table.

(See also Mason's Manual of Legislative Procedure, Section 492(D) and (E).)

No. (22) Pass consideration for the day (business pending on the calendar for second and third reading)

"Mr. President, I move that consideration of Senate (or House) Bill (or Joint Resolution) now on second (or third) reading be passed this legislative day."

This motion, which is undebatable and unamendable, precludes action from being taken on such measures until the next legislative day. Business which is passed for the day is then placed at the top of the list of considerations the next legislative day.

No. (23) To arrange the calendar (second or third reading)

"Mr. President, I move that Senate (or House) Bill (or Joint Resolution) No. ___ now on second (or third) reading be placed immediately before (or after) (name bill or resolution) No. ___."

This motion allows the body to rearrange the order of consideration. It is undebatable and unamendable. If placing is questioned, a substitute motion, worded the same as above but with a different placement, would be in order.

No. (24) Temporarily suspend rules (with reference to business not immediately pending)

"Mr. President, I move that joint (or House or Senate) Rule No. ___ be temporarily suspended in order to allow consideration of (question, bill or resolution) this day."

This motion to temporarily suspend rules allows business to be considered which has not met time specifications, etc. It is undebatable, unamendable, and requires a two-thirds majority vote.

The above motions are those which are most often used under Order of Business No. 6. There are a few motions which are in order but have not been covered in the above material. These motions, as an established practice,are not often made. These motions are listed below with their corresponding number which refers to their order of precedence:

Privileged Motions

No. (1) To adjourn

Always in order except when a vote is in progress or on second reading; undebatable; amendable only with reference to specific time.

(See also Mason's Manual of Legislative Procedure, Section 200.)

No. (2) Call of the house (in absence of quorum)

"Mr. President, I move a call of the Senate and ask for sufficient seconds."

Always in order except when a vote is in progress, in Committee of the Whole or when a qualified motion to adjourn has been made;undebatable; unamendable; requires a majority of those present. The only motion in order after a call has been ordered is to lift the call (which requires two-thirds majority) or adjourn. It has precedence over an unqualified motion to adjourn.

No. (3) To recess

"Mr. President, I move the Senate recess until the hour of _____ this day."

Always in order except when a vote is in progress, in Committee of the Whole, when a call of the house in the absence of a quorum has been ordered, or when a qualified motion to adjourn has been made; undebatable; unamendable except with reference to specific time.

No. (4) Question of privilege

Call of the house when a quorum is present.

"Mr. President, I move a call of the Senate and ask for sufficient seconds."

The request for a call in the presence of a quorum is undebatable and unamendable. It requires seconding by four members. (See Joint Rule 2-7)

Incidental Motions

No. (5) Appeal

"I appeal from the decision of the President (or Speaker).

When an appeal is taken, the presiding officer states the decision appealed from and his reasons for the decision. The question out of which an appeal arose is not debatable,but only the specific question involved in the point of order from which the appeal was taken. No member may speak more than once without consent of a

majority.

(See also Mason's Manual of Legislative Procedure, Section 231, and 232.)

No. (6) Parliamentary inquiry

"I rise to a point of information."

A parliamentary inquiry is not a motion but is simply a request for information. When the presiding officer is not in possession of the information requested, the question may be directed to a member.

(See also Mason's Manual of Legislative Procedure, Sections 251, and 252.)

No. (7) Temporarily suspend rules (for immediate purpose)

"Mr. President, I move that Joint (or Senate) Rule ___ be temporarily suspended to allow consideration of (state question or motion)."

This motion would allow the consideration of a question immediately pending which would otherwise be out of order. It requires a two-thirds vote, is undebatable and unamendable.

No. (11) Previous question (immediate vote)

"Mr. President, I move the previous question."

The previous question applies to the immediately pending motion. This motion is voted on immediately and if the vote prevails all debate is closed in reference to the pending motion. The previous question is seldom ordered in the Senate, which has by established practice not tried to limit debate. No senator, however, shall speak more than twice on any one motion or question without unanimous consent of the Senate, unless he has introduced or proposed the motion or question under debate, in which case he may speak twice and also close debate. A senator who has spoken shall not speak again on the same motion or question to the exclusion of a senator who has not spoken (S 1-5).

(See also Mason's Manual of Legislative Procedure, Section 345(3).)

When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one half of such time to be given to the proponents and one half to the opponents (Joint Rule 5-6(2).)

A call of the house is not in order after the previous

question is ordered, unless a quorum is not present. Previous question is not debatable or amendable.

No. (13) Close, limit or extend limit of debate

a. To fix the hour

"I move that debate be closed and the question be put on the pending question at (time)."

b. To limit the length of debate

"I move that debate on the pending question be limited to (amount of time)."

This motion may also contain a provision that the time be shared between the proponents and opponents.

c. To reduce or increase the number or length of speeches

"I move that debate on the pending bill, and its amendments, be limited to one speech of five minutes from each member."

d. Extend limit of debate

"I move that the time of the speaker (or for debate) on the pending question be extended (amount of time)."

Once again these motions are not generally made in the Senate. (See No. 11 above.)

(See also Mason's Manual of Legislative Procedure, Section 357.)

ORDER OF BUSINESS NO. 7 -- First Reading of Bills -- Refer to Attachment No. 7

NOTE: "Posting" has taken the place of "reading" bills in order to save time.

Introduced bills are printed on white paper.

ACCEPTABLE MOTIONS: *No motion affecting a bill is in order on its first reading except a motion on the first legislative day by the chief sponsor of a pre-filed bill to add names of co-sponsors.*

> *"Mr. President, as chief sponsor of Senate Bill (or Joint Resolution or Resolution) I move that the name(s) of Senator(s) _____ be added to the bill as co-sponsor(s)."*

This motion is in order at the time its number is read from the rostrum. (See Joint Rule 6-6).

MOTIONS--listed in order of precedence.

ATTACHMENT NO. 6B

MOTION (no motion is in order when a vote is in progress)	Undebatable	Unamendable	Only motions acceptable when a question is under debate	Vote Required	Order of Business Under Which Motions Are Acceptable	Order of Business #2 Committee Reports	Order of Business #6 Motions	Order of Business #8 Committee of the Whole (all motions debatable)	Order of Business #9 Third Reading
A. PRIVILEGED MOTIONS (in order under any order of business except Committee of the Whole)									
(1) to adjourn	X	X[1]	X	maj.		X	X		X
(2) call of the house -- in absence of quorum	X	X	X	maj.		X	X		X
(3) to recess	X	X[3]	X	maj.		X	X		X
(4) questions of privilege									
a. call of the house -- when a quorum is present	X	X	X	5 mem.		X	X		X
B. INCIDENTAL MOTIONS (in order under any order of business except those not indicated in this table for order of business #2, 6, 8 and 9)									
(5) appeal		X		maj.		X	X		X
(6) parliamentary inquiry	X	X		maj.		X	X		X
(7) suspension of the rules for immediate purpose	X	X		2/3			X		X
(8) roll call vote	X	X		2 mem.		X	X		
(9) division of question	X	X		maj.			X		
C. SUBSIDIARY MOTIONS									
(10) to lay on the table	X	X	X	maj.			X		
(11) previous question (immediate vote)	X	X		maj.		X	X		
(12) postpone to a day certain	[12]	X[12]	X	maj.			X		
(13) close, limit or extend limit of debate	X			maj.			X		
(14) to refer	X[14]	X[14]	X	maj.			X		X
(15) a. to rise				maj.				X	
b. to rise and report				maj.				X	
c. to rise and report progress and ask leave to sit again				maj.				X	
(16) pass consideration (takes this order of precedence in committee of the whole)		X		maj.				X	
(17) amend	[17]	X	X	maj.			X	X	
(18) indefinitely postpone (opens main question to debate)		X	X	maj.			X	X	
D. MAIN MOTIONS									
(19) a. to pass, adopt, concur			X	maj.			X	X	
b. to reject passage, adoption, concurrence			X	maj.			X	X	
c. to appoint			X	maj.			X		
E. INCIDENTAL MAIN MOTIONS (in order under proper order of business when no question is before the body)									
(20) to reconsider	[20]	X		maj.			X		
(21) to take from table	X	X		maj.			X		
(22) pass consideration for the day -- business on the calendar	X	X		maj.			X		
(23) to change order of business on the calendar	X	X		maj.			X		
(24) temporarily suspend rules (with reference to business not immediately pending)	X	X		2/3			X		

FOOTNOTES:

1 Unamendable -- exception -- may be amended only as to specific time.
3 Unamendable -- exception -- may be amended only as to specific time.
12 Debatable -- the question of postponement is open to debate, but the main question is not.
Unamendable -- exception -- may be amended only as to specific time of postponement.
14 Undebatable -- exception -- may be debated only as to propriety of committee reference.
Unamendable -- exception -- may be amended only as to committee reference.
17 Debatable -- exception -- motion to amend an undebatable motion is undebatable.
20 Debatable -- exception -- motion to reconsider an undebatable motion is undebatable.

HOUSE BILL NO. 29

INTRODUCED BY Ridgway

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE AND DIRECT THE DEPARTMENT OF REVENUE, IN COMPUTING THE RETAIL SELLING PRICE OF LIQUOR, TO DESIGNATE AND ESTABLISH A LESSER RETAIL SELLING PRICE ON ALL LIQUOR MANUFACTURED, DISTILLED, RECTIFIED, BOTTLED, OR PROCESSED IN MONTANA THAN IS DESIGNATED AND ESTABLISHED FOR LIQUOR IMPORTED FROM WITHOUT THE STATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Price of liquor made in Montana. In computing the selling price of all liquor sold and delivered by the Montana department of revenue, the department is authorized and directed to establish the state markup on all liquor either manufactured, distilled, rectified, bottled, or processed in Montana at 10% less than the amount of markup on products of out-of-state manufacturers, distillers, rectifiers, processors, or bottlers.

-End-

INTRODUCED BILL

ORDER OF BUSINESS NO. 8 -- Second Reading of Bills (Committee of the Whole) -- Refer to Attachment No. 8

NOTE: This is the only opportunity for floor debate on a bill; Committee of the Whole amendments may be offered which should be previously typed, signed and presented at the office of the Secretary of the Senate or Chief Clerk of the House.

Second reading bills are printed on yellow paper. This bill is the introduced bill with standing committee amendments incorporated in it. If a bill is very long, the first page will be run with an explanatory note such as: (1) "No amendments were made by the standing committee; please refer to introduced bill for complete text"; or (2) "Amendments were made on pages _____ and _____ only, attached; please refer to introduced bill for complete text."

The procedure to be followed by the Chairman in Committee of the Whole is printed in Attachment No. 8C.

ACCEPTABLE MOTIONS: *The following are debatable motions that are acceptable in Committee of the Whole and are listed in order of precedence:*

Debatable Motions

No. (15) a. To rise
"Mr. Chairman, I move the committee rise."

Effect: Same as to recess.

b. To rise and report
"Mr. Chairman, I move the committee rise and report."

Effect: President receives report on the business of the Committee of the Whole. Dispenses finally with this order of business.

c. To rise and report and ask leave to sit again.
"Mr. Chairman, I move that the committee rise and report and ask leave to sit again."

Effect: Dispenses finally with all bills acted upon in Committee of the Whole up to the time of the motion. Can proceed to other orders of business or revert immediately into Committee of the Whole and begin business where left off at the time motion was made.

No. (16) Pass consideration

"Mr. Chairman, I move that consideration of (Senate or House) (Bill or Joint Resolution) or (Senate Resolution) No. _____ be passed."

Effect: No further consideration of particular bill or resolution during current sitting of Committee of Whole. If the Committee rises and reports and the Senate dissolves itself into a new Committee of the Whole the same day, the particular bill or resolution which was passed in the last sitting would again be considered. (Note: differs from motion made under Order of Business No. 6 - "to pass consideration for the day".)

No. (17) Amend

"Mr. Chairman, I move that (Senate or House) (Bill or Joint Resolution) or (Senate Resolution) No. _____ be amended on Page _____, Line _____, following " ".

(Note: See Legislative Council Bill Drafting Manual for samples of amended language. There are Committee of the Whole amendment forms provided by the Secretary of the Senate and Chief Clerk of the House. If possible, these forms should be obtained prior to Committee of the Whole, the amendment typed (or written out) and signed and the amendment form submitted to the Secretary or Chief Clerk's office.)

No. (18) Indefinitely postpone

"Mr. Chairman, I move that when this committee does rise and report, having had under consideration (Senate or House) (Bill or Joint Resolution) or (Senate Resolution) No. _____, that the same be indefinitely postponed."

Effect: Constitutes final action which kills a bill or resolution.

No. (19) Main motion -- recommend passage or concurrence

"Mr. Chairman, I move that when this committee does rise and report, having had under consideration (Senate Bill or Senate Joint Resolution No. ___, that the same do pass or do not pass) OR (Senate Resolution No. ___, that the same be adopted or be not adopted) OR (House Bill or House Joint Reso-

lution No. ___, that the same be concurred in or not concurred in).

Following the reading of the Committee of the Whole report from the rostrum and the motion from the floor by the chairman of the Committee of the Whole for the adoption and prior to the vote, a member may rise and move that a bill or resolution be segregated from the Committee of the Whole report. (See Joint Rule 6-24)

"Mr. President, I move that (Senate or House) (Bill or Joint Resolution) or (Senate Resolution) be segregated from the Committee of the Whole report."

Effect: If the motion carries, the bill or resolution being segregated is left on Second Reading for further consideration by the Committee of the Whole at its next sitting. A motion could then be made under Order of Business No. 6 that the bill be rereferred. (See attachment No. 6A, Subsidiary Motions, No. 14.)

Approved by Committee
on Business and Industry

SENATE BILL NO. 14

INTRODUCED BY JONES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THE PUBLIC SERVICE COMMISSION WITH THE AUTHORITY TO ENCOURAGE ENERGY CONSERVATION THROUGH REVISIONS OF UTILITY RATE CLASSIFICATIONS; DIRECTING THE COMMISSION TO REVISE SUCH RATES; AMENDING SECTION 70-115, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-115, R.C.M. 1947, is amended to read as follows:

"70-115. Classification of service. (1) The commission ~~may~~ SHALL prescribe classifications of the service of ~~all~~ public utilities, and such classifications ~~may~~ SHALL take into account and reflect the quantity used, the time when used, ~~and any other reasonable consideration~~ the effect of differential pricing on the demand for the service, the effect of differences in demand on the economy and the environment of the state, procedures to mitigate the adverse distribution effects of incentive pricing, and other considerations relevant to the energy-conserving interest of this chapter."

Section 2. There is a new R.C.M. section that reads as follows:

SECOND READING

COMMITTEE OF THE WHOLE AMENDMENT

ATTACHMENT NO. 8B

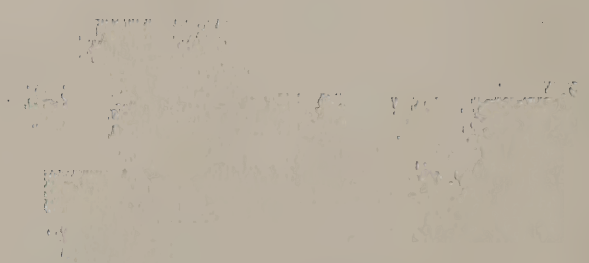
MR. CHAIRMAN: I MOVE TO AMEND Senate Bill No. 8 as follows:

1. Amend title, line 6.
Following: "excepted"
Insert: "; and providing an immediate effective date"

2. Amend page 2.
Following: line 11
Insert: "Section 2. Effective date. This act is effective on its passage and approval."

John Lee

STATE PUB. CO.
Helena, Mont.



PROCEDURE FOR CHAIRMAN IN COMMITTEE OF THE WHOLE SENATE

The President will designate some member on advance notice to act as Chairman. This member will, upon the Senate resolving itself into a Committee of the Whole, come to the rostrum with his copies of printed bills to be considered under General File, take his place, bang the gavel, and proceed about as follows:

The Chairman says - "The members of the Committee of the Whole will please be in order. Members of the Committee, you have before you for your consideration Senate Bill No. ___ (or House Bill No. ___) (or House Amendments to Senate Bill No. ___). The Secretary will read the History and Title of the Bill."

After the Secretary reads the History and the Title the Chairman then says - "Are there any amendments or corrections to the History and Title of the Bill as read? If not, the Secretary will read Section 1."

The Secretary will then say - "Section 1."

The Chairman says - "Any amendments?"

This procedure continues until all sections have been mentioned.

The Chairman then says - "Members of the Committee, you now have before you in its entirety Senate Bill No. ___. What is your pleasure?"

The Author of the Bill or the Chairman of the Committee reporting the Bill should then rise, address the Chairman, and upon being recognized make the following motion:

"Mr. Chairman, I move that when this Committee does rise and report after having under consideration Senate Bill No. ___ that it recommend the same do pass (or pass as amended, or do not pass or be indefinitely postponed)."

In case of House Bills or House Amendments to Senate Bills the recommendation will be that the House Bill be concurred in, or House Amendments be concurred in.

Then the Chairman should say - "The question now rises on the Motion of Senator _____ that when this Committee does arise and report,after having had under consideration Senate Bill No. ___, it recommend the same do pass." (If House Bill it would be "Be concurred in").

Then after being addressed again by the one making the motion, recognize such member for the purpose of making explanations of the Bill, or of starting debate on the Bill.

After the conclusion of debate, the Chairman should (unless the explanation has been brief) again state the motion and call for the vote.

The Chairman would then state - "As many as are in favor of the motion signify by saying Aye. Those opposed will please stand." (If vote is unanimous the record will so show).

Then proceed the same way with other bills.

Upon completion of the deliberations the Majority Floor Leader would move that the Committee rise and report, which motion when put and adopted dissolves the Committee of the Whole. However, the Chairman of the Committee of the Whole should proceed to the Rostrum to sign the report. Upon returning to his seat and the President having called the Senate to order the Chairman should make the motion that the report of the Committee as a whole be adopted as read.

ORDER OF BUSINESS NO. 9 -- Third Reading of Bills -- Refer to Attachments No. 9A and 9B

NOTE: The "third reading" bill (engrossed) of the house of origin contains all amendments made in original house; the bill is printed on blue paper. No debate. This version of the bill will be transmitted to the other house for consideration.

Bills considered on third reading in the second house are called "reference" bills and are printed on salmon paper. This is the text of the engrossed bill plus amendments made by the second house. If "concurred in as amended", this version of the bill will be transmitted to the original house for concurrence in amendments.

ACCEPTABLE MOTIONS: *Motions affecting bills on third reading are not in order until the particular bill is reached upon the calendar. A bill may not be amended on third reading. The only precedented motion allowed on third reading is the motion to rerefer.*

"Mr. President, I move that Senate (or House) Bill (or Joint Resolution, etc.) be taken from third reading and rereferred to Committee of the Whole (or Committee on _____)."

House BILL NO. 58

INTRODUCED BY DOE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT SWINE FROM RUNNING AT LARGE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. It is unlawful for any owner of swine to permit the same to run at large between March 1 and October 1 of each year.

Section 2. This act is effective on its passage and approval.

-End-

Third Reading Bill

House BILL NO. 73

INTRODUCED BY DUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXCLUDE INCOME DERIVED FROM THE PURCHASE OF OR PARTICIPATION IN LOANS SECURED BY MORTGAGES, TRUST INDENTURES, OR OTHER SECURITY INTERESTS IN REAL OR PERSONAL PROPERTY FROM THE APPLICATION OF THE CORPORATION INCOME TAX; AMENDING SECTION 15-31-403, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-31-403, MCA is amended to read as follows:

15-31-403. Rate of tax imposed -- income from sources within state defined -- alternative tax. (1) There is hereby imposed upon every corporation for each taxable year an income tax at the rate specified in 15-31-101 upon its net income derived from sources within this state for taxable years beginning after December 31, 1970, other than income for any period for which the corporation is subject to taxation under ~~chapter 15, title 84 R.C.M. 1947,~~ Title 15, chapter 31, according to or measured by its net income.

(2) Income from sources within this state includes income from tangible or intangible property located in or having a situs in this state and income from any activities

REFERENCE BILL

carried on in this state, regardless of whether carried on in intrastate, ~~or~~ interstate, or foreign commerce, but does not include interest paid on loans held by out-of-state ~~depositories~~ FINANCIAL INSTITUTIONS RECOGNIZED AS SUCH IN THE STATE OF THEIR DOMICILE, secured by mortgages, trust indentures, or other security interests on real or personal property located within the state if THE LOAN IS ORIGINATED BY A LENDER DOING BUSINESS IN MONTANA AND ASSIGNED OUT-OF-STATE AND there is no activity conduted by the out-of-state lender in Montana except periodic inspection of the security.

(3) Pursuant to ~~article~~ Article III, section 2, of the ~~multistate--tax--compact~~ Multistate Tax Compact (Title 15, chapter 1, any corporation required to file a return under this act, and whose only activity in Montana consists of making sales and which does not own or rent real estate or tangible personal property within Montana does not exceed ~~one-hundred-thousand-dollars-($100,000)~~ may elect to pay a tax of ~~one--half--of--one-percent-(.5%)~~ 1/2 of 1% of gross sales made in Montana during the taxable year. Such tax shall be in lieu of the tax otherwise imposed under this section. The gross volume of sales made in Montana during the taxable year shall be determined according to ~~article~~ Article IV, sections 16 and 17, or the ~~multistate--tax-compact~~ Multistate Tax Compact."

ORDER OF BUSINESS NO. 10 -- Unfinished Business

NOTE: This order of business is rarely used in the Senate.

In the House, this order of business would include appointments to conference committees, etc.

ORDER OF BUSINESS NO. 11 -- Special Orders of the Day

NOTE: Governor's appointee confirmations, memorial services, etc. are handled under this item of business.

ORDER OF BUSINESS NO. 12 -- Announcement of Committee Meetings

NOTE: Committee chairmen announce committee meetings, and the Senate (House) may adjourn under this order of business.

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